

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44985 of 2012

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Dhiraj Mahto @ Dhiraj Mehta @ Dhiraj Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Navin Kr.Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 23-04-2015

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submitted that the proceeding in Sultanganj P.S. Case No.172 of 2005 and the order dated 22.10.2005 whereby cognizance of offence under Section 39/44 of the Indian Electricity Act, 1910 read with Section 379 of the Indian Penal Code has already been quashed as against the co-accused persons. The petitioner has also deposited the entire amount of Rs.48,000/- in the Electricity Office and in support of the same Annexure-3 has been annexed. The learned counsel, therefore, submitted that the case of this petitioner is also on the same footing as that of the co-accused persons. The learned counsel further submitted that in view of the Amendment Act of the year 2003 on the compromise the accused will be deemed to be acquitted in the proceeding. In support of his contention, the learned counsel relied upon decision of this Court in the case of

Binod Giri Vs.State of Bihar, 2007 (2) P.L.J.R. 578.

Perused the order whereby the proceeding has been quashed against the other co-accused persons, which has been annexed as Annexure-5. Perused the decision also. It appears that this case is fully covered by the decision of this Court in the case of **Binod Giri** (supra). Further it appears that the petitioner has already deposited the amount of Rs.48,000/- in the Electricity Office, which would be evident from Annexure-3.

In view of the above facts and circumstances of the case, this criminal miscellaneous application is allowed and the order taking cognizance is also quashed.

(Mungeshwar Sahoo, J)

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